HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 30156 of 1997

DATED: 03-04-2007

Between:-

Praga Officers' Association represented by its General Secretary, R.Lakshminarayana s/o Ramamurthy, 50 years, Kavadiguda, Secunderabad and nine others.

...PETITIONERS

And

Government of India, represented by its Secretary, Department of Heavy Industry, Ministry of Industries, Udyog Bhavan, New Delhi 110 011 and two others.

...RESPONDENTS

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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O R D E R

Seeking a Writ of Mandamus to declare the action of respondents in not implementing the recommendations of the Pay Revision Commission in respect of officers of Praga Tools Limited on par with the Hindustan Machine Tools with effect from 01-10-1995 as illegal and violative of Articles 14 and 16 of the Constitution of India, and for a further declaration that the letter No. 12(1)/94-PE.X dated 22-10-1997 issued by the first respondent refusing to implement the recommendations of Pay Revision Commission on the ground that the Praga Tools Limited is incurring losses is wholly illegal and arbitrary, the present writ petition is filed.

The contention of Sri M. Panduranga Rao, learned counsel for the petitioner, in short, is that while the wages of workmen had been revised pursuant to a settlement under Section 12 (3) of the Industrial Disputes Act, the pay anomaly, which has resulted there from is that the starting pay of a workman, under the revised pay scales pursuant to the settlement, is higher than the starting pay of an officer.

Learned counsel would submit that the mere fact that the company is running at a loss cannot be a ground to, at least, ensure that the salary payable to an officer is higher than that of a workman in the Corporation. Sri M. Panduranga Rao, learned counsel, would fairly submit that he is not aware of the events subsequent to the filing of the writ petition and as to whether this anomaly has been rectified.

None appeared on behalf of the respondents.

It is not for this Court to issue a Mandamus directing the respondents to place its officers in a particular scale of pay or to go into pay anomalies which have resulted consequent upon the settlement entered into by the second respondent with its workmen for these are all matters for second respondent to consider. Ends of justice would be met if the second respondent is directed to examine the pay anomaly between the officers and workmen employed by it and pass appropriate orders thereupon in accordance with law within a period of three months from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No order as to costs.

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RAMESH RANGANATHAN, J

Dated: 03-04-2007
vp